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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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10 Tony Markus Hernandez, )  
11 Petitioner, ) CV 11-00760-PHX-PGR (JFM)  
12 v. ) **ORDER**  
13 Charles L. Ryan, et al., )  
14 Respondents. )  
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17 The Court having reviewed *de novo* the Report and Recommendation of Magistrate  
18 Judge Metcalf, and no party having filed any objection thereto,

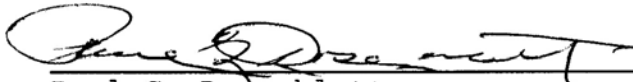
19 IT IS HEREBY ORDERED that the Court accepts and adopts the Report and  
20 Recommendation (Doc. 20).<sup>1</sup>

21 IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus  
22 (Doc. 1) is denied and dismissed with prejudice.  
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24 <sup>1</sup> The petition sought relief on two grounds. First, Petitioner alleged that he was  
25 sentenced to an additional term in prison after violating the terms of a sentence of probation  
26 that exceeded the permissible term. The Report and Recommendation finds this claim barred  
27 by the statute of limitations and procedurally defaulted. Second, Petitioner alleged a violation  
28 of his due process and equal protection rights based on a state court determination that he had  
procedurally defaulted his claims. The Report and Recommendation finds this claim  
procedurally defaulted.

1 IT IS FURTHER ORDERED denying a certificate of appealability.

2 DATED this 4<sup>th</sup> day of June, 2012.

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5 Paul G. Rosenblatt  
6 United States District Judge  
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